

## **Burial and Cremation Advisory Group Meeting**

Minutes of the meeting held on Tuesday 4 December 2018

Conference Room 3.30A, 10 South Colonnade, Canary Wharf

### **1. Welcome, introductions and apologies**

- 1.1 **Redacted Names - section 40 personal information** The chair welcomed everyone to the meeting. Apologies were received from (Welsh Government), (Counsel to the Commonwealth War Graves Commission), (United Synagogue), (MoJ), (Cemetery Research Group), (National Society of Allied and Independent Funeral Directors), (Faith and Integration Group MHCLG), (National Federation of Cemetery Friends), (Welsh Local Government Association), (Historic England).

### **2. Minutes of the meeting on 10 July 2018 and any matters arising**

- 2.1 The minutes of the last meeting were approved, subject to the following amendments:

- apologies from **Redacted - section 40 personal information**
- deletion of apologies from **Redacted - section 40 personal information** (who attended).

- 2.2. **Redacted - section 40 personal information** updated the group regarding delays in burials at some local authority cemeteries.

This has been caused by contract renewal issues, with providers not being retained by some LAs (because those contracts were not fit for purpose) and work is being taken back in house. This has resolved many of the issues and delays. **Redacted - section 40 personal information** will keep BCAG updated on any further problems and improvements in this area.

- 2.3 **Redacted - section 40 personal information** raised concerns about the application of GDPR to BCAG communications.

**Action 1: MoJ to confirm GDPR principles for the group. In line with these, future group emails will be blind copied.**

- 2.4 The Chair explained that, unfortunately, the Minister was not able to attend the current meeting, but MoJ would try to ensure his availability for the next meeting.

**Action 2: MoJ to invite the Minister to attend the next BCAG meeting.**

### **3. Updates from MOJ**

- 3.1 **Medical Examiners (MEs) - Redacted - section 40 personal information** (DHSC) provided an update. Non-statutory MEs would be rolled out from 1 April 2019 in NHS hospitals in England. There was a range of information on the Royal College of Pathologists website including information about the ME event on 30 January 2019, the 26-core e-learning modules to be completed by those wishing to become an ME and details of the ME recruitment advertisement which would close for applications on 31 December 2018. The information can be found at:

<https://www.rcpath.org/discover-pathology/news/medical-examiners.html>

- 3.2 Attendees were concerned about the lack of information available to bereaved families about how the ME process would work. **Redacted - section 40 personal information** explained that DHSC are working on communications in preparation for the launch and that many of the outstanding issues would be answered at the event on 30 January 2019.
- 3.3 **Redacted - section 40 personal information** reported that local Hospital Trusts had given the impression that hospital deaths will be dealt with more quickly. He raised concerns about funding as local Trusts did not appear to be clear where this would come from. **Redacted - section 40 personal information** explained that her team are currently working with NHS England and NHS Improvement to clarify the funding issues. **Redacted - section 40 personal information** thought that non-statutory implementation of MEs would only speed up the process if there was full time ME provision - part-time ME provision could lead to delays. It was confirmed that in light of the non-statutory roll out of MEs, there would be no change to the Medical Referee role from April.
- 3.4 **Children's Funeral Fund – Redacted - section 40 personal information** explained that, since the last meeting, the focus had been on delivery strategy. Whilst MoJ is mindful of the way in which funding has been delivered in Wales, implementation in England presents issues around scale and complexity. However, MoJ remains keen to engage with stakeholders on the detail of implementation. **Redacted - section 40 personal information** confirmed that the timescale for delivery would be confirmed as soon as possible.
- 3.7 **Public Health Funerals – Redacted - section 40 personal information** confirmed that there were no substantive developments to report, but noted the publication of the ICCM's guidance since the last meeting. **Redacted - section 40 personal information** reported that a recent Freedom of Information request to local authorities had indicated an increase in public health funerals. **Redacted - section 40 personal information** noted the underlying issue of increasing reliance by bereaved families on Social Fund and local authority provision because of rising funeral costs and suggested the matter should be raised with the Department of Work and Pensions.
- 3.8 **Redacted - section 40 personal information** noted that local authorities do not take faith requirements into account. In the provision of public health funerals. **Redacted - section 40 personal information** asked whether hospital trusts had responsibility for arranging public health funerals where no other provision was made for those dying in hospital – but attendees confirmed that the statutory responsibility lies with the local authority. **Redacted - section 40 personal information** raised concerns that under a new contract with the local authority his company had been prevented from giving details of public health funerals to bereaved family and friends.
- 3.9 **Law Commission project on disposal of the dead – Redacted - section 40 personal information** confirmed that MoJ officials were keeping in touch with the Law Commission through regular update meetings. Law Commission officials have confirmed that they would value input from BCAG members and would be happy to attend a BCAG meeting once the project commences.

**Action 3: MoJ to invite the Law Commission to a meeting once the disposal of the dead project begins.**

- 3.10 **Tottenham Park Cemetery** – Redacted - section 40 personal information reported that Redacted - section 40 personal information had been authorised by the Secretary of State to undertake an inspection into the state and condition of the Cemetery and to report to Ministers. The Chair confirmed the arrangements under which Redacted - section 40 personal information had been appointed (which, because this is a relatively small-scale project, did not require a formal tendering process). Redacted - section 40 personal information noted that the Cemetery adjacent to an area primarily used by the local Turkish Muslim population and emphasised the stress caused to this community by the Cemetery's poor management.
- 3.11 **Burntwood Crematorium** - Redacted - section 40 personal information confirmed that MoJ was actively involved in the issues arising from the siting of the new Crematorium in Chase & District Memorial Park, Staffordshire (Burntwood Crematorium) in contravention of s5 of the Cremation Act 1902.
- 3.12 **Ministry of Housing, Communities and Local Government (MHCLG) Crematoria Review** - The Chair reported that Redacted - section 40 personal information (MHCLG) had confirmed that MHCLG's response to the review would be published following cross-Government clearance.
- 3.13 **Shortage of burial space** – The Chair confirmed that this was on Ministers' radar and confirmed that it would be helpful if BCAG members were to put their concerns about the issue in writing.

#### **4. Members' business**

- 4.1 **Guidance on local planning authorities** – Redacted - section 40 personal information asked about the "red tape challenge" which was published at the same time as the MHCLG crematoria review.

**Action 4: MoJ to ask Redacted - section 40 personal information about the red tape challenge, to see if he has any information he can share with the group.**

- 4.2 **Re-cycling of pacemakers/electronic implants** – Redacted - section 40 personal information said that he still had not had a response from DHSC about re-cycling of pacemakers. The Chair confirmed that we would contact DHSC immediately and would aim to have an answer by the next meeting, or sooner if possible. Redacted - section 40 personal information reported that the ICCM would be advising members to recycle pacemakers from 2019.

**Action 5: MoJ officials to contact DHSC with a view to resolving this issue.**

- 4.3 **Electronic transmission of forms** - Redacted - section 40 personal information asked about the minutes from the recent meeting on electronic transmission of forms, chaired by Redacted - section 40 personal information. Redacted - section 40 personal information undertook to circulate the minutes from that meeting.

**Action 6: MoJ to circulate minutes from the electronic transmission of forms meeting. [Secretary's note: these are now attached.]**

- 4.4 **Remains stored by cremation authorities/non-burial authorities** – Redacted - section 40 personal information raised an issue regarding clarity of ownership of and responsibility for stored cremated remains in columbaria set up by private companies in, for example, the grounds of stately homes. His concern was what

happens to the remains should the company cease trading. The Chair said that MoJ would make enquiries and report back.

**Action 7: MoJ to speak to Historic England and National Trust about the privately-owned columbaria within their properties.**

4.5 **Competition and Markets Authority Study – Redacted - section 40 personal information** confirmed that MoJ had been contacted by the CMA in the context of its market study on funeral costs.

4.6 **Coroners' out of hours services – Redacted - section 40 personal information** remained concerned that only the North London coroner service provided an out of hours service in London. The Chair reported that further funding had been provided to the Inner North London coroner service and **Redacted - section 40 personal information** confirmed that the in hours service had improved significantly following the Judicial Review earlier in the year.

**5. Purpose of BCAG/Terms of Reference**

5.1 It was agreed that this item would be discussed at the next meeting. MoJ would draft and circulate refreshed terms of reference in advance.

**Action 7: MoJ officials to draft ToR and share with the group for comment in preparation for an agenda item for the next meeting.**

**6. Any other business**

6.1 **Memorial Testing - Redacted - section 40 personal information** raised issues with the memorial testing guidance, particularly revisions to the guidance BS8415, and asked if there was any appetite to revisit and propose draft changes to the current guidelines. The consensus of the group was not to do so.

**7. Date of the Next meeting**

7.1 9 or 16 July 2019 was suggested for the next meeting. The secretary would canvass views and confirm as appropriate.

**Action 8: MoJ to email stakeholders regarding the date of the next meeting.**

*[Secretary's note: the next meeting will be held on 16 July from 11:00 to 13:00 at 102 Petty France, room to be confirmed.]*

**Redacted - section 40 personal information**

Coroners, Burials, Cremations and Inquiries Policy Team

20 February 2019

## Attendees

<b>Redacted - section 40 personal information</b>	National Society of Allied and Independent Funeral Directors
	Ministry of Justice
	Association of Private Crematoria and Cemeteries
	Ministry of Justice, Chair
	City of London Cemetery
	Federation of Burial and Cremation Authorities
	Cremation Society of Great Britain
	Department of Health and Social Care
	Institute of Cemetery and Crematorium Management
	Ministry of Justice
	Society of Local Council Clerks
	National Federation of Cemetery Friends
	National Association of Funeral Directors
	The Good Funeral Guide
	Commonwealth War Graves Commission
	National Association of Funeral Directors
	Ministry of Justice, note taker
	Ministry of Justice
	Gardens of Peace and Muslim Council of Britain
	Local Government Association